

## TITLE 327 WATER POLLUTION CONTROL BOARD

#97-7 (WPCB)

### SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

The Indiana Department of Environmental Management (IDEM) requested public comment from June 1, 2001, through July 2, 2001, on IDEM's draft rule language. IDEM received comments from the following parties:

Bethlehem Steel Corporation (BSC)  
Indiana Steel Environmental Group (ISEG)  
United Waste Water Management (UWM)

Following is a summary of the comments received and IDEM's responses thereto:

**Comment:** The purpose of the draft rule, as understood, is to incorporate the Federal requirements at 40 CFR 257 and 503, which regulate contract haulers of septic waste. The language at 327 IAC 7.1-1-1 should be revised to reflect the language currently in 327 IAC 7-1-1. The reason for this request is to make it perfectly clear that Rule 7.1 deals only with wastewater that is hauled from septic systems and grease traps. The term wastewater is frequently used very broadly. While the definition of the term is limited to human sewage by Indiana Code 13-11-2-256, there is concern that the draft rule could lead to confusion within the regulated community. A clear statement, within the purpose of the rule, will help to minimize this potential. (BSC) (ISEG)

**Response:** The language of 327 IAC 7.1-1-1 comes directly from IC 13-18-12-4(a). However, IDEM has made changes to 327 IAC 7.1-1-1 to clarify that "wastewater" is from "sewage disposal systems".

**Comment:** Subsection (b)(2) of proposed 327 IAC 7.1-1-3 should be modified to read as follows: "On-site activities at facilities that are regulated under 327 IAC 5, implementing the National Pollutant Discharge Elimination System (NPDES), or 327 IAC 3-4". (BSC) (ISEG)

**Response:** IDEM has made changes to the language at 327 IAC 7.1-1-3 to make clear that facilities regulated under 327 IAC 5 and facilities required to obtain construction permits under 327 IAC 3 are excluded from this rule.

**Comment:** Many of the site restrictions proposed in Section 6 of Rule 4 Wastewater Management Permits unnecessarily encumber the siting of a state-of-the-art type of storage or treatment facility. For example, the 600 foot buffer to property lines would increase a one acre site to approximately 38.8 acres. This is unreasonable, unrealistic, unnecessary, and would eliminate siting of these facilities in Indiana.

Local zoning and building codes should handle the needed buffer distances. IDEM should write the rule to assure that the environment is protected. In the proposed rule, little addresses protection of the environment, but rather keeps it at a distance so that it is “out of sight-out of mind”. Adequate odor control and spill prevention/containment measures would do more for protecting the environment and the quality of life in Indiana.

If you still feel it is necessary to put dimensioned site restrictions into the rule, then I propose the following wording:

Sec. 6. Storage facilities or treatment facilities must not be constructed or maintained:

- (1) within fifty (50) feet of any public roads;
- (2) within one hundred (100) feet of any: (A) places of business, (B) property lines;
- (3) within six hundred (600) feet of any: (A) residence, (B) public gathering places, (C) lakes, (D) ponds, (E) streams, (F) intermittent waterways, (G) surface water impoundments, (H) wetlands, (I) rock outcrops, (J) sink holes, (K) undrained depressions, or (L) potable water supplies;
- (4) within one thousand (1,000) feet of any: (A) public water supply well or public water supply surface intake structure, (B) historical sites, or (C) designated critical habitats of threatened or endangered species;
- (5) in a flood plain;
- (6) in a manner that allows the wastewater to enter waters of the state.

I hope that you will give serious consideration to changing this section of the Rule. While IDEM needs to protect the environment and public health in Indiana, this can be done with a regulatory framework that will allow private industry to function in the marketplace. (UWM)

**Response:** IDEM disagrees. The separation distances found at 327 IAC 7-6-6 were extended to site restrictions in this rule at 327 IAC 7.1-4-6 because of the pathogens associated with septage and the larger volumes that may be associated with modern storage and treatment facilities. In regards to state-of-the-art facilities, the agency encourages innovation that is demonstrated to provide equivalent protection for human health and the environment, as stated in “Innovative technology; alternate design and construction”, 327 IAC 7.1-4-9.